

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELIZABETH SOWA,

Plaintiff,

v.

RING AND PINION SERVICE INC
d/b/a RANDY'S WORLDWIDE
SERVICE,

Defendant.

CASE NO. 2:21-cv-00459-RAJ-BAT

**ORDER GRANTING
DEFENDANT'S MOTION TO
DISMISS**

Having reviewed the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, any objections or responses to that, and the remaining record, the Court finds and **ORDERS**:


- (1) The Court **ADOPTS** the Report and Recommendation.
- (2) The Court declines to exercise its discretion to consider Plaintiff's new evidence (Dkt. 25, 26), offered for the first time after Judge Tsuchida rendered his Report and Recommendation. *United States v. Howell*, 231 F.3d 615, 622 (9th Cir. 2000) (“[I]n

1 making a decision on whether to consider newly offered evidence, the district court must
2 actually exercise its discretion, rather than summarily accepting or denying the motion.”).

3 (3) Defendants' Motion to Compel Arbitration and to Dismiss (or Stay) (Dkt. 9)
4 is GRANTED. The case shall be STAYED. The parties are advised to submit a Joint
5 Status Report within six (6) months from the date of this Order informing the Court of the
6 status of their arbitration.

7 (4) The Clerk shall send a copy of this Order to the parties and to the
8 Honorable Brian A. Tsuchida.

9 Dated this ^{10th} 7th day of January, 2022.

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14 The Honorable Richard A. Jones
15 United States District Judge
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